

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

TIFFIN L. SMITH,)
Plaintiff,)
v.)
SHERIFF CHIP HARDY, et al.,) Civil Action No. 7:14cv00477
Defendants.) By: Michael F. Urbanski
) United States District Judge

ORDER

For the reasons set forth in the accompanying Memorandum Opinion entered this day, the court **ADOPTS in part** and **DENIES in part** the report and recommendation (ECF No. 47), **OVERRULES** Officer Caligiuri's objections (ECF No. 48), **DENIES** Officer Caligiuri's motion to dismiss (ECF No. 30), **GRANTS** Sherriff Harding and ACRJ's motion to dismiss (ECF No. 23), and **GRANTS in part** Tiffin L. Smith's motion to amend (ECF No. 36). Smith has thirty (30) days to file one (1) amended complaint clarifying his factual allegations against Officer Richard Caligiuri and setting forth the factual basis for his failure-to-protect claim against Officer J. Lotts, Sergeant C. J. Mundy, and Corporal C. Woods.

Entered: September 21, 2015

Is/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge